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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,815	10/19/2001	Wayne E. Fisher	M-11460 US	4940
7590 04/21/2004			EXAMINER	
MICHAEL P. ADAMS WINSTEAD SECHREST & MINICK P.C. 5400 RENAISSANCE TOWER 1201 ELM STREET			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2171	
DALLAS,, TX 75270-2199		DATE MAILED: 04/21/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be evaluable under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply is especified above is best than thiny (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is especified above is best than thiny (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is especified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. \$1.33). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on			Λ				
Examiner Uyen T. Le  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  □ Consistence of time may be available under the provisione of 37 CPR 1.13(ts). In no event, however, may a reply be timely liked □ the period for reply a specified above, the measurem statutory period will apply and will expire SLX (ts) MONTHS from the emiliting date of the communication reply a specified above, the measurem statutory period will apply and will expire SLX (ts) MONTHS from the emiliting date of this communication reply as period above. The measurem statutory period will apply and will expire SLX (ts) MONTHS from the emiliting date of this communication reply as period above. The measurem statutory period will apply and will expire SLX (ts) MONTHS from the emiliting date of this communication, even if Errely field, may reduce any statute of the communication and patent term adjustment. See 37 CPR 1.704(b).  Status  1) □ Responsive to communication(s) filled on □		Application No.	Applicant(s)				
Uyen T. Le   2171		10/036,815	FISHER, WAYNE E.				
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2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)   Claim(s)	Status						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date.  Notice of Informal Patent Application (PTO-152)		4) $\square$ Interview Summa	rv (PTO-413)				
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			Patent Application (PTO-152)				

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#### **DETAILED ACTION**

### Specification

1. The specification is objected to because the information of related applications have not been updated. Correction is required.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 3, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 2002/0059279).

Regarding claims 1, 18, Kim discloses all the claimed subject matter (see the abstract, Figures 3-6). The claimed description reads on the Change List Table (CLT) of Kim. The claimed description stored in the data management block reads on the information stored at the Process Management Block of Kim. Clearly the method of Kim has to determine whether the descriptions are synchronized since the description is used to keep track of transactions performed on the primary database (see 0019-0026).

Regarding claim 3, Kim discloses said copy is stored within said database as one or more database records when Kim shows a CLT (see the abstract).

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## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 2, 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2002/0059279).

Regarding claims 2, 9, although Kim does not specifically show comparing before each access to said database, since the CLT is to ensure that data is synchronized, it would have been obvious to one of ordinary skill in the art to include the claimed features in order to ensure that the database is up to date.

Regarding claims 4, 11, although Kim does not specifically show a unique location dependent on said database organization, it is well known in the art that different databases possess different configuration. Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features in order to accommodate different database formats.

Regarding claim 5, although Kim does not specifically show that action has to be taken if said copy of the description and said description stored in said data management block are not synchronized, it would have been obvious to one of ordinary skill in the art to include such features in order to ensures synchronization of data description.

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Regarding claims 6, 12, 15, although Kim does not specifically show alerting a user, it would have been obvious to one of ordinary skill in the art to include such features in order to allow user intervention when necessary.

Regarding claims 7, 13, 16, although Kim does not specifically show suspending activity, it would have been obvious to one of ordinary skill in the art to include such features in order to prevent access to obsolete information.

Regarding claim 8, 14, 17, although Kim does not specifically show suspending activity until said description become synchronized, it would have been obvious to one of ordinary skill in the art to include such features in order to resume operation once no problem exists.

Regarding claim 10, Kim discloses said copy is stored within said database as one or more database records when Kim shows a CLT.

#### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heronimus (US 2003/0046294) teaches symmetrical database data set allocation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19 April 2004

UYEN LE PRIMARY EXAMINER